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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/736,096	12/13/2000	Frank Schlieber	4070-187US (K400846US)	6536

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2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103-7013

EXAMINER

LEE, EDMUND H

ART UNIT	PAPER NUMBER
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1732

14

DATE MAILED: 06/18/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No. 09/736,096	Applicant(s) SCHLIEBER ET AL.	
Examiner EDMUND H LEE	Art Unit 1732	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) 7-9 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>8</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 7-9 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in Paper No. 13.
2. Applicant's election without traverse of claims 1-6 in Paper No. 13 is acknowledged.
3. Claim 3 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The word "workpieces" (cl 3, ln 1) is indefinite because it is unclear as to what is meant.

Clarification and/or correction is required.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1,4,5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Stein et al (USPN 5403645). Stein et al teach the claimed process as evidenced by col 3, ln 40-col 2, ln 40; and figs 1-4. As a note, polyether is thermoformable.
6. Claims 1,4,5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Peoples, Jr et al (USPN 4529639). Peoples, Jr et al teach the claimed process as evidenced by col 4, lns 1-5; col 5, lns 1-50; and figs 1-7.

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7. Claims 1,4,5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Jogan et al (USPN 5429786). Jogan et al teach the claimed process as evidenced by col 3, ln 50-col 4, ln 15; col 6, ln 33-50; col 7, lns 28-46; and figs 9-10.

8. Claims 1,4,5, and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by Strapazzini (USPN 5340425). Strapazzini teach the claimed process as evidenced by col 3, lns 33-35; col 4, lns 24-29; col 5, lns 7-10; and figs 1-18.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Stein et al (USPN 5403645). The above teachings of Stein et al are incorporated hereinafter. Stein et al does not teach trimming the blank to a true to size contour; and exclusively handling the workpieces by automatic machines between individual process steps. In regard to trimming the blank to a true to size contour, such is well-known in the molding art in order to create a preform with clean edges and an accurate size. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to trim the fabric blank of Stein et al after forming the blank in order to achieve the above results. In regard to exclusively handling the workpieces by automatic machines between individual process steps, such is well-known in the molding art in order to increase efficiency and reduce human errors. Thus, it would have been obvious to one

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of ordinary skill in the art at the time the invention was made to automate the handling of the workpieces of Stein et al in order to achieve the above results.

11. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Peoples, Jr et al (USPN 4529639). The above teachings of Peoples, Jr et al are incorporated hereinafter. Peoples, Jr et al does not teach trimming the blank to a true to size contour; and exclusively handling the workpieces by automatic machines between individual process steps. In regard to trimming the blank to a true to size contour, such is well-known in the molding art in order to create a preform with clean edges and an accurate size. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to trim the fabric blank of Peoples, Jr et al after forming the blank in order to achieve the above results. In regard to exclusively handling the workpieces by automatic machines between individual process steps, such is well-known in the molding art in order to increase efficiency and reduce human errors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the handling of the workpieces of Peoples, Jr et al in order to achieve the above results.

12. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jogan et al (USPN 5429786). The above teachings of Jogan et al are incorporated hereinafter. Jogan et al does not teach trimming the blank to a true to size contour; and exclusively handling the workpieces by automatic machines between individual process steps. In regard to trimming the blank to a true to size contour, such is well-known in the molding art in order to create a preform with clean edges and an accurate size.

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Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to trim the fabric blank of Jogan et al after forming the blank in order to achieve the above results. In regard to exclusively handling the workpieces by automatic machines between individual process steps, such is well-known in the molding art in order to increase efficiency and reduce human errors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the handling of the workpieces of Jogan et al in order to achieve the above results.

13. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Strapazzini (USPN 5340425). The above teachings of Strapazzini are incorporated hereinafter. Strapazzini does not teach trimming the blank to a true to size contour; and exclusively handling the workpieces by automatic machines between individual process steps. In regard to trimming the blank to a true to size contour, such is well-known in the molding art in order to create a preform with clean edges and an accurate size. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to trim the fabric blank of Strapazzini after forming the blank in order to achieve the above results. In regard to exclusively handling the workpieces by automatic machines between individual process steps, such is well-known in the molding art in order to increase efficiency and reduce human errors. Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made to automate the handling of the workpieces of Strapazzini in order to achieve the above results.


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14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stein et al (6210613) teach molding an automotive trim part having a cloth insert. Ota et al (USPN 5811053) teach vacuum forming a preform; trimming the preform to size; and inserting the sized preform into an injection mold.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to EDMUND H LEE whose telephone number is 703.305.4019. The examiner can normally be reached on MONDAY-THURSDAY FROM 9AM-4PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, RICHARD CRISPINO can be reached on 703.308.3853. The fax phone numbers for the organization where this application or proceeding is assigned are 703.305.7718 for regular communications and 703.305.3599 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.


EDMUND H LEE 6/13/03
Examiner
Art Unit 1732

EHL
June 13, 2003